

SENATE BILL 1702

By Herron

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 11; Title 2, Chapter 7 and Title 2, Chapter
9, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-7-104, is amended by adding the following language as a new subsection:

(f) In any county that utilizes a computerized voting system, poll watchers shall be permitted to remain in the same room with the election officials while such officials are retrieving voting results from the voting machines. If there is not sufficient space for all poll watchers, then an equal number of poll watchers shall be selected from the majority and minority parties if both parties have requested representation.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 7, Part 1, is amended by adding the following language as a new section:

2-7-143. In any county that utilizes a computerized voting system, upon giving reasonable notice to the county election commission, any person who possesses the technical expertise with respect to computer software shall be given read only access to inspect the current hardware platform and software application interface that a voter would utilize to verify its integrity. Each such computer expert must prove to the satisfaction of the registrar that such person possesses the necessary technical expertise.

SECTION 3. Tennessee Code Annotated, Section 2-9-108, is amended by adding the following language at the end of the section:

Provided that if a written notice of contest is filed pursuant to § 2-17-104, then the voting machines affecting the contested election may be opened prior to such ten-day period.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 11, Part 1, is amended by adding the following language as a new section:

2-11-111. In addition to other duties and responsibilities of the state election commission, the commission is authorized to:

(1) File a complaint with the federal bureau of investigation based on probable cause information received by the commission, or on its own initiative, of alleged tampering with ballots or voting machines; and

(2) Conduct or order a post election audit if a specific complaint is filed with the commission concerning the conduct of an election or there is reasonable cause to believe an audit should be conducted.

SECTION 5. Tennessee Code Annotated, Title 2, Chapter 9, Part 1, is amended by adding the following language as a new section:

2-9-118. The cards utilized in transferring voting data from the computerized voting machines to the county election commission shall be permanently retained and stored in a secure manner by the election commission to insure that the data on such cards remains free from tampering or destruction.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.